

STATEMENT OF PAUL EMENS
AMENDING THE AGE 60 RULE
MARCH 13, 2001

Good afternoon, Senators. My name is Paul Emens and I am Chairman of the group known as Pilots Against Age Discrimination (PAAD).

PAAD represents all pilots who believe that the Age 60 Rule is age discrimination and that changing it will not only reduce the nation's critical shortage of pilots but will dramatically increase the level of experience brought to commercial aviation. PAAD is supported in its efforts by the American Association of Retired Persons (AARP), the Equal Employment Opportunity Commission (EEOC), the Organization of Black Airline Pilots (OBAP), ALPA Pilots Against Age Sixty (APAAS) and the Professional Pilots Federation (PPF).

The Age 60 Rule was born as part of a sweetheart deal between the chairman of a major airline and the first FAA Administrator. Having lost an age dispute in court, with his lawyers advising that there were no grounds for an age change, this airline chairman asked the FAA to get this done administratively. One stroke of a pen. No hearings. No testimony. No medical input. Not long afterwards, that same administrator was placed on the Board of Directors for that airline.

Thus were thousands of pilots, for the very first time, grounded at the chronological age of 60 – regardless of health or competency.

Can you imagine such a thing being done today? Of course not!

It would be termed age discrimination, and rightly so. The AARP agrees: **“The Federal Aviation Administration’s “age 60 rule” should be eliminated and replaced with regulations or laws that determine each individual’s competency and fitness on the basis of factors related to safety, as is the case for younger airline pilots.”**

The EEOC also believes the issue to be discrimination and has worked to eradicate it. Age 60 has been stamped out nationwide – with the exception of the airline industry.

Consider this double standard: The Federal Air Surgeon, Dr. Jon Jordan, may well have been flown here by FAA pilots – who ARE allowed to fly over the age of 60.

It's ridiculous. It's age discrimination.

We will hear today [We heard today] how the FAA thinks changing the rule will adversely impact safety. In doing so it will ignore its own study, the Hilton Study of 1993. That study clearly said, unequivocally, **“accidents decreased with age, leveling off for older pilots...Our analyses provided no support for the hypotheses that the pilots of scheduled air carriers had increased accident rates as they neared the age of 60...Most of the analyses indicated a slight downward trend [in accident rates] with age.”** Without explanation, its results were ignored.

Mr. Jordan will tell [told us] us the rule is fine the way it is. This is the same Air Surgeon who ignored the Hilton Study. One of his predecessors has a different view, however. Dr. Frank Austin, former Federal Air Surgeon said, **“There is no basis for the Age 60 Rule. I believe this and Admiral Engen [the FAA Administrator] believes this...It's an economic issue.”** Just a few weeks ago Dr. Austin appeared on ABC Evening News saying this very thing - yet again. Thus far he's been ignored.

I've been told on Capitol Hill that Congress is reluctant to intrude into the domain of the FAA, particularly where safety is concerned. Yes, the U.S. air transportation system is the safest in the world. But the FAA has made many errors over the years. There were the hundreds of millions of dollars wasted on a futile effort to upgrade the Air Traffic Control System. There was the failure of airline oversight that led to the ValueJet disaster. Ongoing is a decade-long fight with to tighten pilot flight and duty time regulations. This failure to address fatigue resulted

in yet another fatigue-related crash, the American Airlines jet at Little Rock. Just as pilot fatigue is an issue, so too is Age 60. Are we going to wait until accidents begin to occur as the result of pilot inexperience? Ms. Garvey is a fine Administrator and she is working hard to move that giant bureaucracy, the FAA. But Senators, sometimes that bureaucracy needs a good boot in the butt to get it moving.

This rule is an economic issue. ALPA with its PAC money is the foremost defender of the Age 60 Rule.

My father was an ALPA Pan Am pilot who once worked to overturn the Age 60 Rule. ALPA was, in my father's time, an opponent of this rule. Then younger pilots took over ALPA leadership making "job progression" a "right" in place of what most people believe is one's "right to work". Younger pilots want to get into the Captain's seat, the sooner the better. In the early '80s ALPA secured an amendment to the tax code that allowed them to take full advantage of their pensions, in spite of being forcibly retired at the age of 60.

Younger pilots' careers advanced. Older pilots' pensions secured. That is the foundation upon which opposition to changing the Age 60 Rule rests. Pilots also fear the FAA will take the opportunity of an age change and mandate new medical standards for those under the age of 60. Would the FAA be justified? Absolutely not. Yet it is something the FAA may very well attempt.

I've established the rule is fundamentally wrong. But there is more.

It is unsafe as well.

There is a pilot shortage in this country. More to the point there is a serious shortage of experienced pilots. Not only are there fewer numbers of pilots to fill the needs of air carriers –

and provide safe and reliable air service to undeserved states and cities – there is a *critical shortfall in experienced pilots nationwide*.

This shortage extends even into our military and is a source of concern at the Pentagon. Taken together, our military aviation organizations are some 3,000 or more pilots short of their manning needs. Naval aviation retention rates are 15% annually. This is why Senator Inhofe has co-sponsored this bill.

ALPA knows there's a shortage. In May 1998 ALPA published an article that said in part: **“...Large numbers of Captains will be retiring from most US carriers... The effects on the air transportation system could be disastrous as a sudden surge of poor-caliber pilots is dragged from the bottom of the bottom of the system, perhaps all the way to the majors ...The real losers will be the air-taxi and regional operators that must fly their aircraft with the pilots the majors cannot attract.”**

ALPA's president, Captain Duane Woerth confirmed this critical problem when he stated during Senate testimony last July that **“with the growth in air travel has come growth in airline employment, including pilots...leaving jobs in the commuter airline industry...”** He called this a **“natural phenomenon”**. What he didn't mention is that thousands of those jobs are the result of age-based forced retirement. At TWA, an airline that has shown no growth, fully half of their seniority list is due to retire within five years due to age-based retirements. That problem will soon shift to American Airlines, whose pilot group has its own wave of age-based retirements.

Fast forward to ALPA's magazine issue last month. In an article on the pilot shortage, ALPA gleefully wrote this: **“ALPA's renewed vitality rests on the bargaining advantage of this pilot shortage. Recent negotiations have inverted the troubled past...Not even Frank Lorenzo would try to fly through a strike today!”**

Economics, Senators. Not safety.

The fact is, Senators, the real losers are the passengers of YOUR State whose lives are placed at risk by pilot inexperience. Currently it is not uncommon for pilots to be hired straight out of aviation colleges and into the First Officer's seat of a regional airline, even a regional jet. Within a year, these novices can be promoted to Captain.

Fact: Inexperienced pilots make three times as many critical errors as more experienced pilots. A pilot with but one year of line-flying experience coupled with a co-pilot straight out of flight school is a recipe for disaster in commercial aviation. Today our most experienced pilots – those over 60 – have been removed from the ranks in order to make room for pilots with minimal flight time and little other than school experience. Is this the pilot you want for your family's next flight?

Senator McCain had the foresight to recognize this problem as far back as 1996. In Senate testimony he said, **“One obvious way to increase the experience levels of cockpit crews would be to increase the discriminatory maximum age for pilots, which is limited by the Age 60 Rule.”**

Turnover rates at many regional airlines range as high as 80% or more, as pilots move on to the major carriers, filling slots opened by expansion and an increasing volume of age-driven retirements. Service to your constituents suffers. The safety net is straining.

In 1995 the FAA elected to apply the Age 60 Rule to regional carrier pilots, who for more than four decades had been transporting the citizens of your states without a single safety problem related to the pilot being 60 years of age or older. After a five-year phase-out of older regional pilots, the last retired in December 1999. The oldest was 71.

Fact: The FAA's own data shows that not only are over-60 airline pilots as safe as their younger comrades, the safety record of these over-60 pilots surpasses that of nearly every other air transport pilot group. The FAA had their study group, the regional pilots. They simply ignored it, as they ignored the Hilton Study.

Here's another absurdity: Pilots of foreign carriers in Japan, Australia, Canada and most of those of Europe such as Lufthansa – all first-tier carriers – have raised their retirement age, most to 65. In fact, over age 60 pilots of these may fly into American airspace, carrying U.S. citizens, while our own country's pilots may not do so. Ask the FAA to explain that anomaly!

This is not an attack against labor. I am a member of a union. At least 15,000-20,000 of those wishing to see a rule change are union labor. Many more are not. Some 10,000-15,000 are among those who wish to see the rule changed. My speech hits hard at two entrenched entities, the FAA and ALPA, that seem to be out-of-touch with today's world. Their focus is on the past. Our focus is on the present and the future.

We can make this a win-win for us all:

1. Raise the retirement age, increasing experience and thus raising the level of safety. Pilot competence and health or not fixed to an arbitrary chronological age.
2. Change the tax code so a pilot is not forced to fly over sixty to collect his full pension. Who, after all, wants a pilot in the cockpit who doesn't want to be there?
3. Guard against changes in FAA medical standards for pilots under age 60, men and women who are already the most thoroughly tested and monitored of all professionals.

Let me end with the motto of the Air Force's 89th Airlift Wing, which flies the President as well as other top government officials. **“Experto Crede” Trust One Who Has Experience.**

Do your constituents deserve any less?